

HISTORIC DISTRICT COMMISSION

Meeting Minutes

March 14, 2011

CALL TO ORDER:

Mr. Kurt Thornton, Vice-Chairperson called the meeting to order at 4:07 p.m.

ROLL CALL:

Members Present: Dan Buscher Heather Lane-Fowler
Kurt Thornton Mike Troutman
Susan Baldwin (City Commission Liaison)

Members Absent: Glen Harris and Doug Sofia

Staff Present: Christine Hilton, Planning Supervisor
Eileen Wicklund, City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Admin. Assistant

ADDITIONS / DELETIONS TO AGENDA: None

Mr. Kurt Thornton asked about the items he emailed and asked to be added on the agenda and were not added; Ms. Hilton stated Mr. Thornton's email stated he wished to discuss the items at the meeting and typically under "New Business" we only add items that require action by the HDC; because those items did not require any action by the HDC we felt they should be discussed on today's agenda under the section for "Comments by Commission Members".

APPROVAL OF PREVIOUS MINUTES:

MOTION WAS MADE BY MS. HEATHER LANE-FOWLER TO APPROVE THE MINUTES FROM DECEMBER 13, 2010 MEETING AS PRESENTED; SECONDED BY MR. DAN BUSCHER.

ALL IN FAVOR, NONE OPPOSED MOTION; MOTION CARRIED.

CORRESPONDENCE: (Handout) Photo of 161 Capital Avenue N.E. from property owner Ms. Susan Lampas; to be discussed on the agenda under item #9, Comments from Commission Members and Staff.

OLD BUSINESS: None

NEW BUSINESS:

a. Election Of Officers:

A NOMINATION WAS MADE FOR MR. MIKE TROUTMAN FOR CHAIRMAN BY MR. DAN BUSCHER: SUPPORTED BY MR. KURT THORNTON.

Mr. Thornton asked if there were any other nominations; hearing none he closed the floor for nominations and asked for a vote.

ALL IN FAVOR; NONE OPPOSED; MOTION PASSED.

A NOMINATION WAS MADE FOR MR. DAN BUSCHER FOR VICE-CHAIR BY MR. MIKE TROUTMAN: SUPPORTED BY MR. KURT THORNTON.

Mr. Thornton asked if there were any other nominations; hearing none he closed the floor for nominations and asked for a vote.

ALL IN FAVOR; NONE OPPOSED; MOTION PASSED.

b. Historic District By-Law Review:

Mr. Kurt Thornton asked if they could table any decision until their next meeting so they may have time to review the newly revised copy that was received today.

Mrs. Eileen Wicklund referenced copy of the by-laws provided and noted the some of their suggested changes and noted the areas that were rewritten (Article 5, Section 4) also (Section 6); and corrections made to (Article 5, Section 2, Second Sentence).

Mr. Buscher asked if (Article 5, Section 6, a. - e.) was similar to the City Commissions By-laws. Ms. Wicklund stated; yes that was correct, she changed the composition somewhat because of the type public comments and actions are a little different for this commission.

Ms. Wicklund asked the commission members to send her an email of any changes that they discover when they review.

Mayor Baldwin asked for clarification regarding a quorum, which is four persons; what if one abstains from voting? Ms. Wicklund stated that you would not lose your quorum as the quorum would still be established; but might not be able to vote on everything that you need to vote on depending upon the number of votes needed for certain things.

Mayor Baldwin asked for an example of why would you not be able to vote; if you required a super majority or if they were simply acting on if someone wanted a roof replaced. Ms. Wicklund stated for a Certificate of Appropriateness you need four people to act per our ordinance, so if one abstained you would not have enough people for a vote. On the other types of actions, you would only need a majority of the quorum; it all depends upon the action being taken and circumstances. Mayor Baldwin stated that was very helpful, thank you.

MOTION: MADE BY MR. MIKE TROUTMAN TO POSTPONE THE REVISION OF THE HISTORIC DISTRICT COMMISSION BY-LAWS UNTIL THEY HAVE AN OPPORTUNITY TO REVIEW; SUPPORTED BY MS. HEATHER LANE-FOWLER.

ALL IN FAVOR NONE OPPOSED; MOTION PASSED TO POSTPONE.

PUBLIC COMMENTS:

Ms. Susan Lampas, 161 Capital Avenue, N.E. provided a photo to the commission of her home showing the sign that was installed on the property next door owned by the Congregational Church. Stated she has lived at this location for sixteen years and that the sign was legally placed 23 inches from her property line; noted she had asked the city about the sign and was told Battle Creek Unlimited had placed the sign at that location and when she asked BCU; they said it was not their doing that it came from the city and a permit had been issued. Ms. Lampas stated she had spoken to the Congregational Church and they had said, yes they had signed off for the permit as it was their property and asked the ETC people to talk to her before it was installed, which they had not. Said she had a friend who is on their board and she asked that it be removed and they are considering putting it inside the fence, which has not happened as yet as she was told they needed to ask the city. Stated she would like to see the permit revoked and/or remove the sign; noted she discovered a prominent person donated the money for this sign and feel that is what is directing this. Said they have put a small fortune into their home and that it was built by a Mr. William Smith and it has a lot of history. Ms. Lampas stated she is interested in what the Historic District has to say and said that it is a shame they would do this to her home and that the sign looks very bad where it is placed now.

Mr. Kurt Thornton asked what the code says about this sign; reviewed the districts maps and noted that the Church is in the National Registry and that the ETC Art Studio is listed is on the list of historic homes for the city and why it had not come before the HDC for approval as he does not feel it looks appropriate for the Historic District. Ms. Christine Hilton stated that if in a National Historic District those properties do not come before the Historic District Commission, only those properties in the Local Historic Districts. Ms. Hilton stated both of these properties are in the Local Historic District and that this sign is considered a public sign, quasi public private sign only in the manner it was paid for privately by whom our office does not know who it is; the permit is not required by zoning ordinance, because of the type of sign which falls under the list of exempt signs where no permit is required or standards as far as height, size, regulations, etc. Therefore no permit was issued, it was administrative approval.

Mr. Kurt Thornton stated he thought being in a Historic District, they usually have to approve any sign that goes up. Ms. Hilton stated the signs that have always come before the HDC are private business signs such as those that are along Michigan Avenue. Stated that any traffic control or public signs have not come before the Historic District Commission; that in the early 90's the way-finding signs were done and none of those signs in that entire program never came through the HDC for approval; of which most of them are in the public right-of-way, not on private property. Noted that in this case there was not any distance between the sidewalk and the road to place this sign; that is why it was placed back onto the private property. Consistent with previous practice and what the ordinance requires they had not brought it through HDC for this sign.

Mr. Dan Buscher asked when the sign was administratively approved. Ms. Hilton stated it was December, 2010.

Mr. Kurt Thornton stated it may not be in their jurisdiction, but putting signs like that in a Historic District do not seem to match what the Historic District is supposed to be doing. He realized that might not be legally how it works, but this sign anywhere along Capital Avenue in the Historic District he would think would look inappropriate and he realize they have other signs, maybe not as large as this one up and down the street.

Ms. Heather Lane-Fowler asked if they can put this type of sign on private property. Ms. Hilton stated yes; there was some confusion as to if BCU had done this sign, or underwent this program, but the

way-finding signs program is going through BCU through the Downtown Partnership and were contracting with a sign company to replace all the sign fronts within their program and at the time there was no money for this sign and was pulled out of this original package that Downtown Partnership had with that contractor and at some point ETC received the funding and proceeded with the sign. Stated this type of sign has an actual public logo and is not allowed by just anyone, that it needs to be in the program for the cities plans for providing directions. Ms. Hilton noted that this properties in this corridor is zoned "O1 Office" and would be allowed to have a private sign and required to be placed 25 ft. from the right-of-way and be allowed to be 12 ft. tall instead of the 8 ft. and could be 50 sq. ft. instead of the 32 sq. ft. that the one installed is now; and if done privately it would have had to come before the HDC.

Mr. Buscher asked that because this was done by private funds, circumvents the HDC totally. Ms. Hilton stated that being a public sign it circumvents the Historic District Commission, the same as the exact same sign that is in-front of City Hall.

Mr. Kurt Thornton stated he realizes that the ETC Art Studio is a different kind of entity, but it seems like you are putting up a public sign for a private studio, which to him seems odd. Stated for City Hall or Fire Station he understands, but for the ETC Art Studio seem private not public one.

Ms. Hilton stated they also have similar signs for Old Advent Village and Cereal City used to have one; so it was not always just public type organizations or property, but those types of unique amenities that the downtown have and want to draw visitors to them. Noted that if they are willing to move it onto the fence and hopefully are willing to do so, as it sounds like the best compromise, it still would not have required a permit. Said from a zoning ordinance stand point a public sign and/or if they would have wanted to put the sign within the fence, they would have approved it administratively also because of the nature of the type of sign.

Mr. Mike Troutman stated it seems it would make more sense to be connected with the building rather than with the home next door.

Ms. Heather Lane-Fowler asked if the only avenue for the homeowner was to work with the church to have the sign moved and would there be a cost to the church to relocate the sign. Ms. Hilton stated that would be arranged by the property owners and the church; and assume the church would assume that responsibility if they were willing to move the sign. Ms. Lane-Fowler stated there would then be a cost involved to the church, where there was not a cost involved for the initial placement.

Ms. Susan Bedsole stated that who ever paid for the sign originally would be responsible and have to pay to have it moved; city dollars were not use for payment of any of these signs. Ms. Lane-Fowler said personally she would not agree to pay to have it moved.

Mr. Troutman asked if the sign was then owned by Battle Creek Unlimited. Ms. Hilton stated it is a part of the Downtown Partnership way-finding signage; she does not believe it is owned by them it is part of their marketing campaign. Mr. Troutman asked who owns the sign. Ms. Hilton stated ETC owns it with permission from the Downtown Partnership. Mr. Troutman asked if another business up there wanted a sign like this, they would have to buy it. Ms. Hilton stated, if it is a site specific sign, then it is her understanding that they would have to purchase the sign, but can only do so with the permission from the Downtown Partnership for use of their marketing campaign.

Mr. Thornton asked if the doctors' office on the corner of Fremont and Capital Ave., N.E. wanted to have one installed and they paid for it; would they be allowed. Ms. Hilton stated only if it meet the standards for marketing campaign program for the Downtown Partnership Program; that is correct. But it is her understanding that they are not trying to market individual businesses in this manner, only amenities in the downtown that would attract visitors and people living here.

Mr. Troutman asked who owns the ETC Art Studio, is it private or public. Ms. Hilton stated from our standpoint it does not matter, because it is a part of the Downtown Partnership Program.

Ms. Heather Lane-Fowler asked Ms. Lampas if she was getting any cooperation from ETC regarding the sign being moved. Ms. Lampas stated she has spoke to someone on the board for the CIR, who is the renter of that building; said she is finding it contradictory that information she received was that there was a permit pulled and also talked to BCU and they said they had nothing to do with this sign and wanted nothing to do with it when she spoke to Mr. Hettinger, so she finds it contradictory what is being told. Ms. Lampas asked if it is private property and Downtown Partnership wanted to put a sign on it, they could do it to anyone.

Ms. Eileen Wicklund stated it is a program that businesses request the sign and it is non-imposed.

Ms. Bedsole stated she wanted to address the inconsistency; there was a sign permit pulled by the sign company and then it was determined that the type of sign did not require a permit, so their money was refunded for the permit.

Mr. Thornton stated he realizes it is subjective, but when you drive up Division Street what you see is a sign in front of her home that does not look good in a Historic District.

Ms. Lane-Fowler asked if nothing can be done and that it is odd being in a Historic District.

Mr. Troutman stated they have the same signs in the Adventist Village, but is in the public right-of-way between the sidewalk and road.

Mayor Susan Baldwin stated the sign is actually on the ETC property and not in front of the residential property, which happens to be on a curve of the street.

Ms. Susan Lampas stated thank you for listening and she will just put pine trees up in front of the sign if it is not removed and they will not see their sign; and it is a shame they have to go through this, thank you.

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Ms. Heather Lane Fowler asked if they were going to discuss about the fence around the property on Division Street, which was discussed at a previous meeting.

Ms. Christine Hilton stated this property is not in a Local Historic District or in the National Historic District and is an "O-1 Office District" where an 8 foot fence is allowed per zoning even though it is a Foster Care Facility; agrees it appears strange and will be suggesting a revision in the ordinance.

Ms. Susan Bedsole stated the property owners installed the tall fence for the safety of the residents as it is on a very busy street as they wander. Ms. Hilton and Ms. Bedsole stated they were at this property in the past and one of the residents was lying on the ground in the right-of-way almost into the street.

Mr. Dan Buscher wanted to publicly thank Kurt for running the HDC meetings and has done an excellent job. Stated that based on some of his conversations with him it is clear he has a great love for not only the City of Battle Creek but also Calhoun County and that it is important that we thank him and he should be commended. Mr. Mike Troutman wanted to second that statement and applaud Kurt.

Mr. Thornton thanked Mr. Buscher and said it has been a challenge at times, but staff has been very helpful.

Mr. Troutman asked who had been the previous chairperson. It was stated Ms. Kathleen Erikson was the chairperson and relocated away from Battle Creek; and Kurt Thornton being the Vice-Chair had since been the acting chairperson.

Mr. Glenn Perian handed out a document that noted one petition that had been administratively approved by staff to receive a certificate of appropriateness; it was for a minor roof repair with like material for property located at 41 Walter Avenue.

ADJOURNMENT:

Motion made by Mr. Mike Troutman to adjourn the meeting and seconded by Ms. Heather Lane-Fowler; all in favor none opposed. Meeting was adjourned at 4:40 p.m.

Submitted by: Leona A. Parrish, Administrative Assistant, Planning Department